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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jonathan D. Albert

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EXAMINER

MENGISTU, AMARE

ART UNIT

PAPER NUMBER

2629

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/730,532	ALBERT ET AL.	
	Examiner	Art Unit	
	Amare Mengistu	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/08/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:
2. The specification does not provide support for the recitation of claim 5 "***said data receiver comprising a series of chips disposed on said substrate***"; claims 10,19,23 and 25 "***said control system stores in a memory element a display log including at least one entry representing the past, present or future condition of a display***" and "***comprising a diagnostic generator interrogating said display log and generating a message based on said interrogating***" as recited in claims 11 and 26.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "***said data receiver comprising a series of chips disposed on said substrate***" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. Claims 10,19,21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of the claims 10, 19,23 and 25 "***said control system stores in a memory element a display log including at least one entry representing the past, present or future condition of a display/ data received***" is not clear. How is it possible for the control system to be stored in a memory? How does a display log can include the future condition of a display/ data received?

The phrase of claims 21 and 24, ***“wherein said control system stores in a memory element a database”*** is not clear. How does a control system stores in a memory element a database? What does control system stores in a memory element a database mean?

The recitation of claim 22, ***“said control system server memory a schedule”*** is indefinite. The phrase ***“said control system server memory a schedule”*** is not clear.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7,9-26 are rejected under 35 U.S.C. 102(e) as being anticipated by **Gelbman** (US006924781B1).

As to claim 1, **Gelbman** discloses a controlled display system comprising:
discloses a control system (fig. 2(16)); a data receiver (fig.2 (22)); a display system (fig.2 (30)), wherein said display comprises: a substrate (inherent for e-ink to have a substrate); a plurality of cavities dispersed in a polymeric matrix; wherein at least one of said plurality of cavities contains an electrophoretic contrast medium phase that

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includes at least one particle and suspending fluid (see, fig.4 (42), col.8, lines 24-56); at least two electrodes disposed on said substrate adjacent to said at least one of said plurality of cavities and positioned in a spaced apart relationship to one another, wherein a potential difference between said electrodes causes the particle to migrate toward at least one of said at least two electrodes, thereby effecting change in visual state (see, col.8, lines 48- col.9, lines 14).

As to claims 2-4, **Gelbman** discloses a power source in connection with the display (power source is a battery, a solar cell) (see, col.10, lines 6-10).

As to claim 5, **Gelbman** also discloses a substrate supporting said display and said data receiver (fig.4 (30,48,50)), said data receiver comprising a series of chips disposed on said substrate (fig.4 (48,50)).

In regard to claim 6, **Gelbman** teaches a display (fig.4 (30)), it is inherent for **Gelbman's** driver circuitry to be disposed in a substrate).

As to claim 7, **Gelbman** discloses that the receiver (fig.4 (50)) is disposed in a subastrate.

As to claim 9, **Gelbman** also teaches that an electrically inactive display (fig.4 (42)).

As to claims 10, 19,23 and 25, **Gelbman** further teaches that said control system stores in a memory element a display log including at least one entry representing the past, present or future condition of a display (see, col.5, lines 36-42, 58- col. 6, lines 44 (as best understood)).

In regard to claims 11 and 26, **Gelbman** discloses a diagnostic generator interrogating said display log and generating a message based on said interrogating (see, col.6, lines 17-52).

In regard to claims 12 and 14, **Gelbman** further teaches an antenna (fig.4 (48)).

As to claim 13, the display is incorporated into an item of clothing as taught by **Gelbman** (col.21, lines 29-46).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15-18,21-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gelbman** (US006924781B1) in view of **Robertson** (US006269369B1).

In regard to claims 15-18,21-22 and 24, **Gelbman** discloses a LAN, WAN and computer system (see, fig.6 (70,72,74)) but has failed to teach that a control system is a server, a client in communication with the server, a control system element a schedule, a control system stores in a memory element database. **Robertson** is cited to teach that it is all well known for a display system to have a control system as a server (fig.5 (330)), a client in communication with a server (fig. 5 (330,370)); a control system stores

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in a memory element a database including authorization information associated with said client (col.2, lines 34-40,col.3, lines 12-21,col.4, lines 42-45, col.10, lines 1-16) and the control system element a schedule (see, fig. 5, col. 13, last 2 lines – col.14, lines 26).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have incorporates the display system of **Gelbman** with **Robertson's** networking system since this will allow users to access information stored in the database on the a network server for a group of affiliations to contact information's.

9. Claims 1-3,9,12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Carter et al** (4,093,534) view of **DiSanto et al** (5,508,720).

As to claim 1, **Carter et al** discloses a display system an electrically active display having a substrate (fig.1 (4,5)); a plurality of cavities dispersed in a polymeric matrix (see, figs. 8 and 9), wherein at least one of said plurality of cavities contains an electrophoretic contrast medium phase that includes at least one particle and suspending fluid (see, figs. 1A (125,130),1B(133), col.3, lines 52-56); at least two electrodes disposed on said substrate adjacent to said at least one of said plurality of cavities and positioned in a spaced apart relationship to one another, wherein a potential difference between said electrodes causes the particle to migrate toward at

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least one of said at least two electrodes, thereby effecting change in visual state (col.3, lines 52- col.4, lines 4).

Carter et al did not expressly detailed having control system and a data receiver in communication with a control system and a display communicating with a data receiver. However, the patent of **DiSanto et al** is cited to teach that it is well known for electrophoretic display to have a control system (fig.4 (70)); and a data receiver in communication with said control system (col.9, lines 24-37); and a display in electrical communication with said data receiver (col.9, lines 38-51).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate a display communication system of **DiSanto et al** into the display device of **Carter et al**, since this will provide the display of Carter et al to communicate with other electronic devices to allow the user a fast and easy way of sharing information.

As to claim 2 and 3, **DiSanto et al.** a power source in connection with the display (power source is a battery) (see, col.6, lines 45-48, col.7, lines 8-16) , also see fig,2A (80)).

In regard to claim 9, **Carter et al.** also teaches an electrically inactive display (col.1, lines 50-57).

As to claims 12 and 14, **DiSanto et al.** also teaches that the display includes an antenna in electrical communication with the data receiver (fig.4 (69)).

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Carter et al** (4,093,534) view of **Distant et al** (5,508,720) further in view of **Kuo et al** (5,148,002).

As to claim 4, **Carter et al** as modified by **DiSanto et al** discloses a battery power (see, fig.2a (80) of **DiSanto et al**), but has failed to using a solar cell. Kuo et al is cited to teach that it is well known in the art to use a battery or solar cell as a power source for a display (see, fig. 9 (220) (9V or 3 V)).

Therefore it would have been obvious to one skill in the art at the time of the invention was made to have incorporated the method of using solar cell as taught by Kuo et al into the display system of **Carter et al** as modified by **DiSanto et al**, because this will provide the user with unlimited power supply from the sun without worry of power source.

11. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Carter et al** (4,093,534) view of **DiSanto et al** (5,508,720) further in view of **Gldenberg** (5,245,245).

12. As to claims 5 and 7, **Carter et al** as modified by **DiSanto et al** discloses a receiver (fig.4 (69) of **DiSanto et al**), but did not disclose that the data receiver is disposed on a substrate. Disposing a receiver on a substrate is conventional (see, col.4, last line – col.5, line 6) as suggested by **Gldenberg**.

Therefore, it would have been obvious to one skill in the time of the invention was

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made to have been motivated to combine the system of disposing a receiver in to a substrate as suggested by **Gldenberg** into the display system of **Carter et al** as modified by **DiSanto et al** because this will provide the **Carter et al's** device to save space and will protect the receive from a damage by exposing it side of the display.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Carter et al** (4,093,534) view of **DiSanto et al** (5,508,720) further in view of **Higashi** (6,136,632).

14. In regard to claim 6, **Carter et al** as modified by **DiSanto et al** disclose a display driver circuit (see, fig.4 (65) of **DiSanto et al**) but silent as to the deriver circuit is disposed on a substrate. However, **Higashi** clearly teaches that it is conventional for a display driver to be disposed on a substrate (see, col.6, lines 39-45, col.25, lines 22-28).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to make the **Carter et al** as modified by **DiSanto et al** driver disposed in a substrate as taught by **Higashi** since this will allow simplicity to provide a smaller and a compact display system.


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (571) 272-7674. The examiner can normally be reached on M-F,M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3639. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Amare Mengistu
Primary Examiner
Art Unit 2629

AM

4/25/06